

# Notice of Allowability

## Application No.

09/300,348

## Examiner

Joseph R. Pokrzywa

## Applicant(s)

MEISNER ET AL.

## Art Unit

2622

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/14/04.
2. ☒ The allowed claim(s) is/are 1-37, 39-43, 45 and 46 (renumbered as claims 1-26, 28-33, 35-44, 27 and 34, respectively).
3. ☒ The drawings filed on 30 April 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 10/18/2004.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Joseph R. Pokrzywa*  
JOSEPH R. POKRZYWA  
EXAMINER  
ART UNIT 2622

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment was received on 9/14/04, and has been entered and made of record. Currently, **claims 1-37, 39-43, 45, and 46** are pending.

### *Allowable Subject Matter*

2. **Claims 1-37, 39-43, 45, and 46** are allowed (renumbered as **claims 1-26, 28-33, 35-44, 27, and 34, respectively**).

Regarding *claims 1, 27, 33, and 39 (renumbered claims 1, 28, 35, and 40)*, in the examiner's opinion it would not have been obvious to one of ordinary skill in the art to have the system, as claimed, include the specific feature of substantially simultaneously displaying to a user a plurality of variations of a user selected image where at least one variation is generated using retrieved current user settings reflective of desired compression settings and at least one variation is generated using one or more of the alternate compression settings scaled from the current user settings that define an alternative compressed file size of the variation.

The closest prior art, being the previously cited references of Nakatsuyama (U.S. Patent Number 6,253,246), Sugiarto *et al.* (U.S. Patent Number 6,278,449), Usami (U.S. Patent Number 5,748,342), as well as the newly cited reference of Welsh (U.S. Patent Number 5,841,470) each fail to particularly teach these features. Particularly, Nakatsuyama and Sugiarto both fail to disclose of *simultaneously displaying* a plurality of variations *with at least one variation generated using current user settings and one variation using an alternate compression setting*

Art Unit: 2622

*defining an alternate compressed file size.* Further, Usami teaches of a system that alters and displays images based on settings for compressing the color space, thereby not teaching of settings for compressing the image, with the settings defining a first compressed file size for the image. Continuing, the reference of Welsh (U.S. Patent Number 5,841,470) discloses a video telephone system that derive a set of eigenpictures of a region of an image that are later synthesized to the full image. Welsh describes a plurality of generated images, as seen in Figs. 4 and 5, that are transmitted and stored for use in subsequent decoding. Further, as seen in Fig. 5, and in column 6, lines 3-26, a group of images are shown with each having different compression ratios. However, the examiner believes that the images shown in Figs. 4-6 are not actually displayed to a user who is selecting an image to prepare for downloading, as is required in the claimed invention, but rather are shown as what is stored in the system. Further, Figs. 5 and 6 are used as means for presenting test results to the reader of the patent. With this, the examiner can find no motivation to combine Welsh's teachings of a video telephone with another reference to teach the claimed invention for preparing an image for downloading over a link.

In addition to the allowable features discussed above, ***claims 33 and 39 (renumbered claims 35 and 40)*** further include limitations of receiving a user selection that define a number of variations that are to be presented to the user, and subsequently generating the selected number of variations. The prior art additionally fails to teach these features. Because of these reasons, the claims are rendered allowable.

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Examiner  
Art Unit 2622



jrj